

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heinz-Josef LENZ, et al.
Title: POLYMORPHISMS FOR
PREDICTING DISEASE
AND TREATMENT
OUTCOME
Appl. No.: 10/522,664
International Filing Date: 7/31/2003
371(c) Date: 8/3/2005
Examiner: Carla J. Myers
Art Unit: 1634
Confirmation Number: 8635

**DECLARATION OF HEINZ-JOSEF LENZ, JAN STOEHLMACHER AND
DAVID (JONG-HAN) PARK UNDER 37 C.F.R. § 1.132**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


We, Heinz-Josef Lenz, Jan Stoehlmacher and David (Jong-Han) Park, being duly warned, individually hereby declare that:

1. We are the Heinz-Josef Lenz, Jan Stoehlmacher and David (Jong-Han) Park who are named as coinventors of the above identified application.

2. We are coauthors of the abstract titled "*ERCC1 Polymorphism is Associated With Differential ERCC1 mRNA Levels*" published in the Proceedings of the American Association for Cancer Research, # 1591, Vol. 43 (March 2002) (hereinafter "Abstract").
3. We invented the subject matter disclosed and claimed in the above-captioned application.
4. The coauthors of the Abstract, other than the co-inventors listed in Paragraph 3, namely Wu Zhang, Denice Tsao-Wei, Susan Groshan, Sepi Zahedy, Ji Gil and Nalin Mallik, did not make an inventive contribution to the claimed invention. We, as coinventors of the above-identified invention note that the coauthors not named as coinventors were working under our direction and supervision. While coauthorship was an appropriate academic recognition of the contributions of these individuals to the research reported in the Abstract, they did not make an inventive contribution to the claimed invention and therefore they are not coinventors in the present application.

[The remainder of this page left intentionally blank.]

5. We individually further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom or of legal decisions of any nature based on them.

Date: 2/23/09 Signature: 
Heinz-Josef Lenz

Date: _____ Signature: _____
Jan Stoehlmacher

Date: _____ Signature: _____
David (Jong-Han) Park

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Atty. Dkt. No. 064189-0604

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Date: _____ Signature: _____
Heinz-Josef Lenz

Date: 11-FEB-2009 Signature: 
Jan Stoehrmacher

Date: _____ Signature: _____
David (Jong-Han) Park

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Date: _____ Signature: _____
Heinz-Josef Lenz

Date: _____ Signature: _____
Jan Stoehlmacher

Date: 2/25/09 Signature: _____
David (Jong-Han) Park